

REMARKS

This paper is filed in response to the Office Action mailed May 30, 2008.

Applicants reserve the right to pursue the canceled claims in a divisional application.

Furthermore, claim 13 has been amended to be directed to a method of treating a patient in need of axon outgrowth of a neuron with a nanofibrous material with comprising: injecting a peptide-amphiphile composition to a site of a patient in need thereof, said peptide-amphiphile composition capable of forming a nanofiber network, wherein said peptide-amphiphile composition is formed by combining a peptide amphiphile comprises SEQ ID NO:1 and a peptide amphiphile comprises SEQ ID NO:2, wherein the peptide amphiphiles self-assemble into a nanofibrous material. The nanofibrous material is supported throughout the specification, for example, in paragraph [0012], where it is stated that the “versatility and functionality of this self-assembling nanofibrous material may prove to be useful in tissue repair or reconstruction.” Furthermore, axon outgrowth is supported at paragraph [0018]. Support for the injection of the two peptide amphiphiles comprising SEQ ID NOs:1 and 2, respectively, is found, for example, at paragraph [0041]. No new matter has been added by these amendments and entry of these amendments is respectfully requested.

35 USC 112, Second Paragraph

Claims 13-15, 17 and 19 are rejected under 35 USC 112, second paragraph, as allegedly being indefinite for failing to particularly point and distinctly claim the subject matter, which Applicants regard as the invention. It is stated that the claim language “tissue engineered material” is not defined. Applicants have amended independent claim 13 to recite a nanofibrous material, which is supported throughout the specification, for example, in paragraph [0012]. It is believed that this amendment obviates the instant rejection and withdrawal of the rejection is respectfully requested.

The Action further states that the preamble does not match the active method steps because the claims are directed to a method of treating a patient by administering a peptide-amphiphile composition, which will promote axon outgrowth of a neuron. Applicants have amended the claims to provide that a patient in need of axon outgrowth

is treated with a nanofibrous material. The claim-designated peptide amphiphiles are injected into the patient and the peptide amphiphiles self-assemble into the nanofibrous material. Applicants respectfully submit that these amendments provide the active steps to perform the claimed method. As such, withdrawal of the rejection is respectfully requested.

35 USC 112, First Paragraph

Claim 13 is rejected under 35 USC 112, first paragraph, because the specification, while being enabling for treating a patient with tissue engineered material by administering a peptide amphiphile composition which promotes axon outgrowth of a neuron by administering a peptide amphiphile composition comprising SEQ ID NO:1 or a mixture of SEQ ID NO: 2 *and* SEQ ID NO:1, does not reasonably provide enablement for the same method, wherein only SEQ ID NO:2 is used. The Office Action states that the specification does not enable any person skilled in the art to which it pertains or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

Applicants respectfully traverse the rejection. However, in order to expedite the prosecution of this application, Applicants have amended the claims to be directed to the injected combination of SEQ ID NO:1 and SEQ ID NO:2. Applicants believe that this amendment obviates the instant rejection and withdrawal thereof is respectfully requested.

35 USC 102

Claims 13-15, 17 and 18 are rejected under 35 USC 102(e) as allegedly being anticipated by Stupp et al. (US Patent No. 7,371,719).

It is suggested in the Office Action that the '719 patent describes the combination of SEQ ID NO:1 and 2 in a single composition. However, Applicants respectfully submit that the '719 patent does not specifically describe a method of treating a patient in need of axon outgrowth of a neuron with a nanofibrous material by injecting a composition of a peptide amphiphile comprising SEQ ID NO:1 and a peptide amphiphile comprising SEQ ID NO:2. The claim-designated peptide amphiphiles self-assemble into nanofibrous

material, which promote axon outgrowth of a neuron. Applicants submit that this claim language distinguishes from the '719 patent. In particular, the '719 patent does not describe the injection of two peptide amphiphiles into a patient in need of axon outgrowth, where the peptide amphiphiles form a nanofibrous material. Nothing in the '719 patent teaches or suggests the invention as claimed herein. As such, each and every element of the claims is not satisfied and the anticipation rejection is improper.

Withdrawal of the rejection is respectfully requested.

Conclusion

Applicants believe that the instant application is in condition for allowance. However, in the event that Examiner disagrees, she is invited to call the undersigned to discuss any outstanding issues to expedite the prosecution of this application. Moreover, Applicants petition for a three-month extension of time. Applicants authorize the Commissioner to charge any underpayment or credit any overpayment to Deposit Account No. 50-4582.

Respectfully submitted,

NANOTOPE LLC

/Maria L. Maebius/

Maria L. Maebius
Registration No. 42,967

c/o Intellevate
P.O. Box 52050
Minneapolis, MN 55402
Tel. 202.253.7199
Fax 612.677.3572
Date: 1 December 2008